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8 Inktomi Corporation

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 NETWORK CACHING TECHNOLOGY,
13 L.L.C.,

14 Plaintiff,

15 v.

16 NOVELL, INC.; VOLERA, INC.;
17 AKAMAI TECHNOLOGIES, INC.;
CACHEFLOW, INC.; and INKTOMI
18 CORPORATION,

19 Defendants.

CASE NO. C 01-2079 VRW

**DECLARATION OF MONTE M.F. COOPER
IN SUPPORT OF DEFENDANT INKTOMI
CORPORATION'S MOTION TO DISMISS
PLAINTIFF NCT'S AMENDED COMPLAINT
DUE TO NCT'S LACK OF STANDING**

Date: May 30, 2002
Time: 2:00 p.m.
Judge: Honorable Vaughn R. Walker
Place: Courtroom 6, 17th Floor

1 I, Monte M.F. Cooper, declare as follows:

2 1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel
3 for defendant Inktomi Corporation. I have personal knowledge of the facts set forth in this
4 declaration and could and would competently testify thereto under oath if called as a witness.

5 2. Attached hereto as **Exhibit 1** is a true and correct copy of a Patent Assignment and
6 License Agreement between William M. Pitts, Virginia N. Pitts, Inca Technology, Inc. and
7 Network Caching Technology, L.L.C., dated April 4, 2001, and bearing bates numbers
8 NCT012551 - NCT012561, that was produced in discovery in the above-captioned action by
9 plaintiff NCT.

10 3. Attached hereto as **Exhibit 2** is a true and correct copy of Plaintiff Network
11 Caching Technology, L.L.C.'s Response to Defendant Inktomi Corporation's First Set of
12 Interrogatories that plaintiff NCT served on defendant Inktomi on January 22, 2002 in the above-
13 captioned action.

14 4. Attached hereto as **Exhibit 3** is a true and correct copy of United States Patent
15 No. 5,611,049, bates numbered NCT 010605 – NCT 010654, that was produced in discovery in
16 the above-captioned action by plaintiff NCT.

17 5. Attached hereto as **Exhibit 4** is a true and correct copy of United States Patent
18 No. 5,892,914, bates numbered NCT 010740 – NCT 010787, that was produced in discovery in
19 the above-captioned action by plaintiff NCT.

20 6. Attached hereto as **Exhibit 5** is a true and correct copy of United States Patent
21 No. 6,026,452, bates numbered NCT 010864 – NCT 010911, that was produced in discovery in
22 the above-captioned action by plaintiff NCT.

23 7. Attached hereto as **Exhibit 6** is a true and correct copy of United States Patent
24 No. 6,085,234, downloaded from the Website www.delphion.com, which maintains records of
25 patents issued by the United States Patent & Trademark Office.

26 8. Attached hereto as **Exhibit 7** are true and correct copies of an Action by Written
27 Consent of Sole Incorporator of Inca Technologies, Inc. (bates numbered NCT011876) and an
28

1 Action by Written Consent in Lieu of Organizational Meeting of Inca Technologies, Inc. (bates
2 numbered NCT011877 – NCT011950) that were produced in discovery in the above-captioned
3 action by plaintiff NCT.

4 9. Attached hereto as **Exhibit 8** is a true and correct copy of a Patent License
5 Agreement entered into between William M. Pitts, Virginia M. Pitts, and Inca Technology, Inc.
6 on October 10, 1996, bated numbered NCT012567 – NCT012575, that was produced in
7 discovery in the above-captioned action by plaintiff NCT.

8 10. Attached hereto as **Exhibit 9** is a true and correct copy of a memorandum from
9 Carl Amdahl and William Pitts to the stockholders of Inca Technology, Inc., dated December 23,
10 1998, bearing bates numbers NCT012712 – NCT012770, that was produced in discovery in the
11 above-captioned action by plaintiff NCT.

12 11. **REDACTED**

13 12. Attached hereto as **Exhibit 11** is a true and correct copy of a document entitled
14 “NCT Directors” bearing bates numbers PITTS-01-0012521 - PITTS-01-00112522 that William
15 M. Pitts produced pursuant to a subpoena duly issued in the above-captioned action.

16 13. Attached hereto as **Exhibit 12** is a true and correct copy of Disclosure of Non-
17 Party Interested Entities or Persons that was filed with NCT’s Complaint on May 29, 2001.

18 Executed on the 25th day of April, 2002, in Menlo Park, California.

19 I declare under penalty of perjury under the laws of the United States of America that the
20 foregoing is true and correct.

21
22 /s/ Monte M.F. Cooper /s/

23 Monte M.F. Cooper